

REMARKS

Claims 1-18 are in this application.

Claim 9 has been amended to change the first occurrence of the word “nucleotide” to “nucleoside.” Support for this amendment is found in original claim 9.

The last line of each of Claims 10, 11 and 17 has been amended to change “and” to “or”.

According to pages 3 to 7 of the Official Action, claims 1-10 and 12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims 1-13 of co-pending US patent application 10/551,071 in view of Rohr (US Patent 5,445,970); claim 11 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims 1-13 of co-pending US patent application 10/551,071 in view of Rohr (US Patent 5,445,970) as applied to claim 1 above and further in view of Handy (US Patent 6,997,863); claims 13-15 and 18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims 1-13 of co-pending US patent application 10/551,071 in view of Rohr (US Patent 5,445,970) as applied to claim 1 above and further in view of Klaveness et al. (US Patent 5,628,983); and claims 16-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims 1-13 of co-pending US patent application 10/551,071 in view of Rohr (US Patent 5,445,970) as applied to claim 1 above and further in view of Kraus, Jr. (US Patent 6,470,220). These are respectfully traversed.

Applicants note the provisional rejections. In view of the fact that US patent application 10/551,071 is still pending and the claims in that application have not been

allowed, it is at this stage premature to address these provisional rejections. These will be addressed once the claims in this application and/or the claims in US patent application 10/551,071 are allowed.

Therefore, it is respectfully requested that these rejections be withdrawn.

In the Action, the Examiner rejects claims 1-3, 5-10 and 12 over Okabe (JP 11-255516A). This is respectfully traversed. It appears from the discussion on pages 8-9 of the Official Action that the Examiner intended to include Rohr (US Patent 5,445,970) in this rejection but it is not included.

The Examiner states on page 9 of the Official Action that "It would have been obvious to one of ordinary skills in the art to incorporate a binder as taught by Rohr to the titanium dioxide surface modified with a hydrophilic polymer as claimed in Okabe since both teach metal particles coated with hydrophilic polymer having carboxyl group so that titanium dioxide particle can be used in diagnostic application"

Based on this paragraph, it can be concluded that the Examiner considers that Okabe and Rohr disclose metal particles coated with hydrophilic polymer having carboxyl group. Please note, however, that Okabe does not disclose metal particles coated with hydrophilic polymer having carboxyl group.

In the Okabe process, a) an oxypolycarboxylic acid and b) a polyol compound and c) a complex alkoxide having a chemical bond of (-Ti-O-Al-O-Ti-) are reacted to provide water-soluble composite ester complex oligomer. The composite ester complex oligomer is then subjected to spray pyrolysis. As described in claim 2 and paragraphs [0018] to [0020], the spray pyrolysis means to heat the composite ester complex oligomer at a temperature of 500°C - 850°C. Under such a high temperature, the organic material is well decomposed so that TiO₂ thus obtained by the Okabe process has no hydrophilic polymer having carboxyl group. Okabe does not disclose metal particles coated with hydrophilic polymer having carboxyl group. Rohr does not disclose the use of titanium dioxide. Furthermore, as stated above because of the heat to which the organic material of Okabe is subjected to there is no

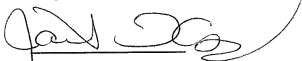
hydrophilic polymer having a carboxyl group and therefore, no combination of the two references that makes the claims obvious. Therefore, it is respectfully requested that the rejection be withdrawn.

The Examiner has rejected claim 4 under 35 USC 103(a) as being unpatentable over Okabe in view of Rohr as applied to claim 1 above, and further in view of Watson et al; Claim 11 over Okabe in view of Rohr and further in view of Handy; Claims 13-15 and 18 over Okabe in view of Rohr and Klaveness and Claims 16-17 over Okabe in view of Rohr and further in view of Kraus. These rejections are respectfully traversed.

In view of the arguments presented above that explain why Okabe and Rohr do not make Claim 1 obvious, it is respectfully requested that these rejections be withdrawn.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janet I. Cord', with a long, sweeping horizontal flourish extending to the right.

JANET I. CORD

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